Scoping Meeting Questionnaire for the Central Valley Regional Water Board Long-term Irrigated Lands Regulatory Program

Scope and Goals for the Long-term Irrigated Lands Regulatory Program

1. Are there specific issues that should be considered in changing the irrigated lands definition to include only operations where water is applied to produce crops (e.g., greenhouse operations and managed wetlands would no longer be included)?

Since the current monitoring/coalition structure is based on watersheds and regions, removal of certain operations (particularly large-scale operations, such as managed wetlands) would significantly impact the ability of that region to effectively manage (and be monitored for) surface water discharges. Managed wetlands in some regions, in fact, comprise a very large portion of the ag-land usage there. In those cases, removal of operations of such magnitude from monitoring or compliance would unduly burden the remaining operations with potential problems and issues which are outside of their control or influence. A more reasonable approach for inclusion or release from the program may be to consider the size (in acres) of an operation, or known water usage or holding (and therefore *discharge*) capacity and potential.

2. What issues should be considered in expanding the irrigated lands regulatory program to include regulation of waste discharged to groundwater in addition to surface water?

Again, irrigated land stakeholders should only be required to manage what is reasonably under their control. Likewise, the monitoring agency should only be expected to monitor those issues for which reasonable and realistic solutions can be found. Groundwater quality and quantity is influenced by many other factors and players in a watershed outside of this stakeholder group – most notably, residential users and dischargers, widespread septic systems, unmonitored recharge zones in the Tuscan formation, etc. All of these factors, along with the effects of drought and flood, take a toll on and influence groundwater quality and quantity. The irrigated lands program is not the place to vet groundwater issues, aside from setting and complying with a known set of standards and acceptable discharges to surface water.

3. The long-term irrigated lands regulatory program may allow degradation of ground and surface waters up to Basin Plan objectives (e.g., bacterial, salts, nutrients, pesticides, etc.) which would still protect beneficial uses. Are there specific waters or geographic areas where such potential degradation should be prohibited?

A range of acceptable levels of a material or particulate (whether it be bacteria, salt, pesticide, nutrient, etc.) would seem to be the best approach for Basin Plan objectives in this case. Surface water discharge and monitoring should be in compliance, of course, and should remain consistent over a period of time for the sake of all stakeholders so that if objectives are notably exceeded, reasonable and anticipated steps can be taken to determine the causes and the solutions. Fluctuations within a known and acceptable range should be monitored by appropriate agencies, but consistent and continued degradation should be avoided and/or mitigated. What is in question here is “who” (which agency and stakeholder) and “how” (which process) should be employed to best assess and address each individual component – surface and groundwater.

4. What types of management practices or potential mitigation measures should be considered when evaluating how to protect ground and surface waters?

Irrigated land stakeholders and surface dischargers should be regularly informed of, and have access to, the latest information from the Regional Water Board regarding permitting and monitoring conditions in order to implement the best and most appropriate management practices. This relationship between agency and stakeholder necessarily needs to be supported by strong inter-agency cooperation and information sharing, especially between the DWR as the non-regulatory body and resource for essential scientific and physical assessments of water quantity and quality, and the Regional Water Board as the regulating and permitting body dealing directly with water users. This layered approach to water management, with reasonable expectations of each stakeholder, is still the best mechanism for protection of water quality and quantity.

Alternative Approaches for Achieving Program Goals

5. What type of categories, if any, should be considered for grouping agricultural operations for similar regulatory requirements (e.g., geography, climate, commodity, soil type, operations, threat to water quality)?

As mentioned in #1 above, for reasonable and realistic management purposes, geography or specified regions are the most consistent and reliable constants among the many variables associated with water. Climate is highly variable and therefore not reliable in terms of providing for consistent programmatic standards; and although soil type may be a given or a known, it is still extremely variable within any given area or watershed. These latter variables would seem best suited as considerations within a specific Basin Plan for dealing with on-site management practices, but not grouping for regulatory purposes. Finally, it does seem reasonable to perhaps consider size of operations or amount of water usage and discharge as another way to group.

6. Are there specific regulatory tools (e.g. waivers of waste discharge requirements, waste discharge requirements) that should (or should not) be used and why?

A consistent and reasonable permitting program needs to be established for all concerned, but again, there should be limits as to whom and how responsibility is assigned, given the many outside influences. It may also be fair to remove or give waiver to certain operations (such as small-scale nurseries) or to categorize them in some other manner. A program that is equitable, effective and reliable should be the aim.

Factors that will be Considered in Developing and Evaluating Program Alternatives

7. What potential negative environmental impacts may occur due to further efforts to protect ground or surface water quality?

Irrigated lands stakeholders certainly will expect that an Environmental Review of the new program will address potential and cumulative environmental impacts of the program changes, and will also consider alternatives. Until that document is vetted, we can only surmise what the potential effects might be.

8. Are there any specific costs/economic concerns that should be addressed during development of the long-term irrigated lands regulatory program?

Certainly, economic factors and financial equity should also be addressed in the final program documentation, as these may be either unmanageable and significant, or manageable and reasonable, depending upon the scope of the program.

9. What should be considered to ensure that the long-term irrigated lands regulatory program is implemented in a manner that is cost effective for the State and agricultural community?

We anticipate that production of the appropriate environmental and economic impact documents, as noted above in #7 and #8, will adequately address these issues over the coming months.

10. What factors should be considered to ensure that the long-term irrigated lands regulatory program is fair?

Again, we expect that the next round of environmental and economic review documents – which should lay-out details about program alternatives, opportunities, and constraints – will be when we can consider how best to ensure that the program is fair.

11. What can be done to ensure that the long-term irrigated lands regulatory program is effective at protecting water quality?

Programmatic components and monitoring standards will need to be realistic and manageable, taking into account the limitations of the water agency's resources and staff. An unrealistic or unattainable scope will undoubtedly defeat the purpose of the program.

12. Are there any additional factors that should be considered in developing and evaluating irrigated lands regulatory program alternatives?

The only other factor that might be useful to consider in developing the program's alternatives is the potential for Resource Conservation Districts (or some similar, smaller units) to have a role in unifying the stakeholders and in the building of management programs and practices by coalition.

Participation/Information

13. How would you like to be kept informed of the development of the long-term irrigated lands regulatory program?

We would prefer to be informed by email and mail of upcoming developments and meetings:
mike@crainwalnut.com
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10695 Decker Ave.
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14. How would you like to participate in the development of the long-term irrigated lands regulatory program?

We would like to participate by making direct comments to documentation, as well as through focus group or stakeholder interviews. We have a vested interest in agriculture throughout the Sacramento Valley – specifically, from Colusa County to Tehama County.

15. Is there any information that was not provided that you would like to have about the long-term irrigated lands regulatory program?

Only that we look forward to receiving notice regarding the next steps in this Irrigated Lands program development, including program planning meetings, and environmental and economic review development.

Thank you!

You may submit this questionnaire to the Central Valley Regional Water Board by emailing it to awlaputz@waterboards.ca.gov, or by mailing it to the following address:

California Regional Water Quality Control Board
Central Valley Region
ATTN: Adam Laputz
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For more information regarding the long-term irrigated lands regulatory program, you may contact Adam Laputz at (916) 464-4848 or by email at awlaputz@waterboards.ca.gov.